

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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JAICOURRIE FINLEY, PRO SE,	§	
TDCJ-CID No. 1354674,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:10-CV-0073
	§	
BRAD LIVINGSTON, BRUCE ZELLER,	§	
JOHN ADAMS, BENJAMIN GARIEPY,	§	
DEBRA DENTON, BONNIE MCKIBBAN,	§	
BRIAN CLARK, JOHN JOWERS,	§	
RAYMOND SOTO, LEVIN FULLER,	§	
COLLIENE WALTZ, JEFFEREY BROWN,	§	
KIMBERLY ROWELL,	§	
MATTHEW BORUNDA, KIP ADAMS,	§	
TIMOTHY KING, JOE PONDER,	§	
DARRELL NASH, RICHARD FERNANDES,	§	
RALPH FLETCHER, and	§	
MELINDA FLETCHER,	§	
	§	
Defendants.	§	

**ORDER OF DISMISSAL**

Plaintiff JAICOURRIE FINLEY, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendant and has been granted permission to proceed *in forma pauperis*.

On June 14, 2010, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal for failure to state a claim on which relief can be granted.

On June 24, 2010, plaintiff filed a Notice of Nonsuit stating he wished to withdraw his lawsuit.

No answer or responsive pleading has been filed by the proposed defendants. Consequently, a grant of plaintiff's motion to dismiss appears appropriate under Rule 41(a)(1)(A)(i), Federal Rules of Civil Procedure.

While the Court will not prevent plaintiff from dismissing his suit, nonetheless, it should not facilitate behavior designed to flout the three "strikes" provision of the Prison Litigation Reform Act.

IT IS HEREBY ORDERED:

Based on the analysis set forth in the June 14, 2010 Report and Recommendation, and plaintiff's Notice of Nonsuit, the Civil Rights Complaint filed by plaintiff JAICOURRIE FINLEY is DISMISSED WITH PREJUDICE AS FRIVOLOUS.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by first class mail.

It is SO ORDERED.

Signed this the 3<sup>rd</sup> day of August, 2010.

/s/ Mary Lou Robinson  
MARY LOU ROBINSON  
United States District Judge